

# Notice of Allowability

Application No.

09/713,615

Examiner

Melvin H. Pollack

Applicant(s)

AYATSUKA ET AL.

Art Unit

2145

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment dated 14 September 2006.
2. ☒ The allowed claim(s) is/are 1,3,8,9,11,12,14,18-23,25-30 and 33-39.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other see attached office action.

  
JASON CARDONE  
SUPERVISORY PATENT EXAMINER

MHP

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. Claims 1, 3, 8, 9, 11, 12, 14, 18-23, 25-30, and 33-39 are allowed.
2. The following is an examiner's statement of reasons for allowance: the examiner agrees with the applicant in regards to the novelty and non-obvious nature of the claims as drawn.
3. The independent claims are drawn to a method and system of building a home area network, or other small appliance network, wherein networking knowledge is not needed. Specifically, a computer uses cameras and/or barcode readers to, automatically and without user input, determine the identities of various network devices and how to establish connections to these items. The computer then connects to these items into a network, and then monitors and controls the items. For example, the invention can determine the presence of a lamp in the room, connect to the lamp, determine if the lamp is off, and allow a user to remotely turn on the lamp.
4. Most known art of automatic network building use significantly different methods of network building that teach away from utilizing visual indicia, such as clients and servers sending advertisement, notification, or probing messages. Others require at least some manual input to set up a network. And while barcode readers and picture recognition programs are well known in the art, they are usually drawn to other purposes, and thus lack steps such as attempting to connect to what was just taken. Finally, most picture recognition programs and cameras are drawn towards reading and determining physical properties of the object, rather than barcodes or logos attached to the object.

Art Unit: 2145

5. While most of these limitations may be shown in art, there is lack of motivation or teachings to combine said art into the method described. The combination is novel and non-obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. They regard further background on the invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin H. Pollack whose telephone number is (571) 272-3887. The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2145

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MHP

04 October 2006



JASON CARDONE  
SUPERVISORY PATENT EXAMINER